

Status: Active

DOE Lead: National Transportation Program (NTP-AL; Judith Holm @ 505-845-4767)

Start Date: January 1998 *End Date:* TBD

Subject: TEC Topic Group - Tribal Issues

Purpose: To address issues such as: (1) HM-164 as it relates to Tribes; (2) to complete the Tribal column of the Rail Topic Group Regulatory Matrix; (3) to determine Tribal authority to stop and inspect shipments of radioactive materials; (4) to provide tribal pre-notification of DOE spent fuel shipments consistent with DOE policy and to provide continuous satellite-based tracking and monitoring capability to Tribes; (5) and to address Tribal involvement in transportation planning, training, and funding. The Topic Group will undertake to pursue discussion on other issues as the Group requires.

Approach: The Tribal Topic Group will meet via monthly conference calls and meetings in conjunction with TEC meetings and decide on issues to address and develop recommendations and/or products for discussion by the entire TEC.

Members: Richard Arnold (Native American Interaction Program, YMP), James Baranski (NY Emergency Mgt. Office), Kevin Blackwell (DOT/FRA), Jozette Booth (DOE/YMCSO), Wynona Boyer (Shoshone-Bannock Tribes), Stephanie Bush-Goddard (NRC), Joseph Mark Chavarria/Joseph Micheal Chavarria (Santa Clara Pueblo), Kevin Clarke (DOE/RL), Sandra Covi (Union Pacific Railroad), Jim Daust (CVSA), Donald Doherty (DOE/NR), Maxine Ewankow (Eight Northern Indian Pueblos Council), Dorothy Gauch (NRC), Ken Gray (CTUIR), Kathleen Grassmeier (DOE), Robert Holden (NCAI), Judith Holm (DOE), Daniel King (Oneida Nation), Preston Kinne (NTEC), Jim Klaus (DOE/CAO), David Lester (CERT), Ed Little (IPFDC/AIPC), Perry Martinez (Pueblo of San Ildefonso), Linda Minton (Emergency Nurses Association), Stanley Paytiamo (Pueblo of Acoma), Bob Pence (DOE/ID), Brandt Petrasek (DOE/EM), Wilda Portner (SAIC/DOE contractor support), Mike Rowsell (State of WA), Greg Sahd (DOE/WIPP), Ki Tecumseh (DOE/AL), Vicki Thornton (DOE), Elissa Turner (DOE), Donna Vigil (DOE/LAAO), Rosetta Virgilio (NRC), Heather Westra (Prairie Island Indian Community), Edward Wilds (CT Dept. of Environmental Protection), J. R. Wilkinson (STGWG/CTUIR), Diana Yupe (Shoshone-Bannock Tribes).

Updates:

(as of 1/98) It was recommended at the semi-annual TEC meeting in Las Vegas, Nevada, that a Tribal Topic Group be added to TEC.

(as of 7/98) The NRC staff recommended Tribal prenotification to the Commission as a needed rulemaking, and the recommendation has been incorporated into the NRC Rulemaking Plan.

(as of 7/98) The Group reviewed the Task Plan and agreed on five action items:

- Develop a Tribal Topic Group working process for identifying members and functioning as a Topic Group
- Catalog issues of importance to Tribes regarding DOE shipments
- Develop a focused Tribal questionnaire to assist in identifying levels of Tribal emergency response preparedness
- Review summary of Tribal funding opportunities
- Develop dissemination process for getting information to Tribes

(as of 12/98) Four conference calls held: 8/20, 9/24, 11/10, and 12/15. Emphasis placed on expanding Tribal representation in the Group. In regard to the other action items:

- NRC is working on draft Notice of Proposed Rulemaking to require licensees prenotification to Tribes

- It is also developing Tribal case studies.
- Members are developing short dictionary-style definition of ceded lands.
- Kevin Blackwell (DOT/Federal Railroad Administration continues to track the FRA inspection authority letter.

(as of 6/00) Conference call June 27, 2000. Action items included:

- Presentation of Tribal case studies regarding transportation coordination between Tribes and other jurisdictions should be available for July meeting.
- Kevin Clarke (DOE/RL) provided sheet of generic information on “ceded lands” with the understanding that the term impacts each Tribal National differently.
- Lois Thompson (DOE/EH) made available to Group the DOE Cultural Resources Management Policy, which was mailed out to Federally recognized Tribes earlier in June.
- The Consolidated Grant package should go to the Secretary in the next week or so. If approval is received, DOE will have 90 days to develop an Implementation Plan.
- The DOE Indian Policy was a major topic of discussion at the Juneau meeting of NCAI in June.
- Agenda for July meeting under development.